

REMARKS

By this amendment, Claims 1 and 3-9 are currently amended, Claims 2 and 14 are canceled, and Claims 10-13 and 15-20 were previously withdrawn.

The above-identified Office Action has been reviewed and the references carefully considered. In view hereof, the present amendment is submitted. It is contended that by the present amendment all bases of rejection set forth in the Office Action are traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Amendments to the Specification

The Applicant is submitting amended paragraphs [0021] and [0022] to the specification. The amended paragraphs correct azelastine's designation as an antihistamine rather than as a steroid.

Claim Objections

Claims 5, 6, 7, and 14 have been objected to. The misspelled words in Claims 5-7 have been corrected. In addition, Claim 14, which was a duplicate of Claim 5, has now been canceled.

Claim Rejections 35 U.S.C. § 112

The Examiner rejected Claims 4, 6, 7, and 8 as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claim 4 has been amended so that the remaining group of leukotriene inhibitors includes only claim terms which refer to leukotriene inhibitors.

Claim 6 has been amended so that the claim is now directed towards corticosteroids rather than antihistamines. In addition, azelastine has been removed from the claim group as

azelastine is an antihistamine rather than a corticosteroid. The remaining claim terms are corticosteroids.

Claim 7 has been amended so that it now only refers to a single antihistamine.

Claim 8 has been amended so that it now is dependent upon Claim 1.

As such, the Applicant contends that the Examiner's bases for rejecting Claims 4, 6, 7, and 8 under 35 U.S.C. § 112 have been overcome. The Applicant respectfully requests the Examiner to withdraw these bases of rejection.

Claim Rejections 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 4, and 5 under 35 U.S.C. § 102(b) as anticipated by Lipworth et al. Section 102(b) states that a person shall not be entitled to a patent when:

the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Applicant traverses the Examiner's rejection. Under 35 U.S.C. § 102, to constitute an anticipation all the claimed elements must be found in exactly the same function and united in the same way to perform the identical function in a single unit of the prior art. Stated differently, anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention.

Applicant respectfully submits that Lipworth does not disclose each and every element required by the claims of Applicant's invention. Accordingly, Lipworth fails as a reference upon which to predicate an anticipation rejection and submits that the Examiner's rejection under § 102 should be withdrawn.

In an effort to expedite and facilitate prosecution, and acting without prejudice, the Applicant has amended Claim 1. The currently amended Claim 1 now includes the limitations

previously presented in Claim 2. In addition, Claim 1 has been amended so that it is now directed towards “treating users having systemic inflammation” to reduce highly sensitive C-reactive protein in the user’s body.

Applicant contends that Lipworth does not teach the concomitant use of a leukotriene inhibitor, an antihistamine, and a corticosteroid for the purpose of reducing highly sensitive C-reactive protein levels in the body. Lipworth states that it would be an “intriguing possibility” to combine the leukotriene inhibitor and the antihistamine with a corticosteroid for the purpose of possibly “facilitat[ing] the use of lower maintenance doses of topical corticosteroid, thus optimising (sic) the therapeutic ratio and avoiding the potential for systemic adverse effects in susceptible patients.” Thus, Lipworth states that the use of the corticosteroid with the combined mediator blockade is only an “intriguing possibility in treating rhinitis.” Moreover, Lipworth does not teach or suggest doing so for the purpose of reducing C-reactive protein levels in the body. Furthermore, the Examiner admits as such on page 8 of the Office Action. “Lipworth et al. does not teach the reduction of C-reactive protein.”

As such, Lipworth fails to disclose each and every element of Claim 1. Consequently, the Applicant respectfully requests the Examiner withdraw the rejection of Claim 1.

Applicant submits that Claim 1 is patentable over the prior art and in condition for allowance.

Claims 4 and 5 are dependent upon Claim 1, and therefore the Applicant contends that Claims 4 and 5 are allowable for the same reasons as stated above. Therefore, the applicant respectfully requests the Examiner withdraw the rejection of Claims 4 and 5.

Claim Rejections 35 U.S.C. 103

The Examiner has rejected Claims 1-9 and 14 under 35 U.S.C. § 103(a) as being obvious over Lipworth in view of U.S. Patent No. 6,040,147 to Ridker et al., and in further view of U.S. Patent No. 6,723,348 to Faham et al. 35 U.S.C. § 103(a) states that:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Applicant traverses the Examiner's rejection.

The Applicant maintains and the Examiner has conceded that Lipworth does not teach the combination of a corticosteroid with a leukotriene inhibitor and an antihistamine for reducing the levels of highly sensitive C-reactive protein in the body of a user. Furthermore, Ridker and Faham do not teach or suggest the combination of a corticosteroid with a leukotriene inhibitor and an antihistamine for such, nor in the amounts set forth in Claim 1. As such, Lipworth, Ridker, and Faham fail to collectively teach or suggest Claim 1. Therefore, Lipworth, Ridker, and Faham fail to collectively teach or suggest any claims which are dependent upon Claim 1. Claims 3-9 are presently amended so as to be dependent upon Claim 1 and include the limitations thereof.

Because Lipworth, Ridker, and Faham do not teach or suggest the subject matter of Claim 1. Necessarily, Claims 3-9 are patentably distinct therefrom. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of Claims 3-9.

Applicant submits that the claims presented herein define patentably over the prior art of record herein.

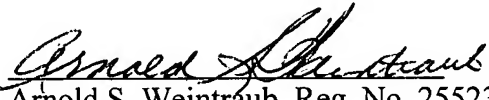
Conclusion

It is respectfully submitted by this amendment that all bases of rejection and objection have been traversed and overcome and thus, it is contended that the application has now been placed in a condition for allowance. A notice to this effect is, therefore, respectfully requested.

If the Examiner feels that prosecution of this application can be expedited, then he is courteously requested to place a telephone call to the Applicant's attorney at the number listed below.

Respectfully submitted,

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